In the High Court of Punjab and Haryana, Chandigarh.

C.W.P.No.9537 of 2007

Date of Decision: 11.7.2007

Sumer Singh

…Petitioner.

Versus

Punjab Agricultural University & Others.

…Respondents.

CORAM: HON'BLE MR.JUSTICE ADARSH KUMAR GOEL
HON'BLE MR.JUSTICE AJAI LAMBA

Present: Mr.Gurcharan Dass, Advocate
for the petitioner.

Mr.H.N.S.Gill, Advocate,
for respondents No.1 to 7.

JUDGMENT

ADARSH KUMAR GOEL, J.

This petition challenges order dated 26.6.2007 (Annexure P15) and consequential order dated 29.6.2007 (Annexure P17) declaring the petitioner ineligible for admission to B.Tech. (Agricultural Engineering), Four years course in sports quota.

The case of the petitioner is that in the year 2001, he passed All India Secondary School Examination (10th Class) and in the year 2004, he passed All India Senior Secondary School Examination (10+2). He got admission to Electrical Engineering (Bachelor of Engineering) in Thapar Institute of Engineering & Technology, Patiala, where he passed four semesters in two years. In the year 2006-07, the petitioner discontinued the study in the Engineering course and in the year 2007-08, the petitioner

applied for admission to B.Tech (Agricultural Engineering) four years programme. He was not treated as eligible to be considered against sports quota.

Learned counsel for the petitioner submitted that he is eligible for the sports quota as per provisions in the prospectus. Annexure-A to the prospectus has been filed as Annexure P18 to the petition. Conditions No.6, 8 & 9 of the aforesaid annexure are reproduced as under:-

"XXXX XXXX XXXX XXXX

6. Only those sports-persons shall be eligible for admission against sports quota who have participated within the last two academic years. The academic year shall ordinarily be from July to June.

8. The candidate who has represented twice will be preferred over candidates who represented once in a competition of same level in a game.

9. Only those candidates shall be admitted against sports quota who are eligible to participate in the University and inter-Varsity Tournaments. Candidates seeking admission to Postgraduate Programme should have participated twice in the University Inter College Tournament and once in the All India Inter-Varsity/North Zone Inter Varsity Tournament/All India Inter Agricultural Universities at undergraduate level".

Reference has also been made to the Eligibility Rules, framed by Association of Indian Universities, which has been annexed as Annexure P21 to the petition. Paras No.2 and 7 of the said Rules, which are relevant for the purpose of deciding the question, are reproduced hereunder:-

"XXXX XXXX XXXX XXXX

2. All eligible students while participating in the Inter-University Tournaments shall fulfill the following conditions:-

a) not more than 7 years have elapsed since a student passed the examination qualifying him/her for first admission to a degree or diploma course of a University or College affiliated to a University.

b) The seven year eligibility period mentioned above shall be distributed as mentioned below:-

i) not more than 4 years while pursuing graduate courses. However, in the case of Universities where students are admitted to the Graduate Courses after passing 10+2 examination or equivalent examination, the period of 3 years shall be extended by one more year than the actual length/duration of the course.

ii) not more than 3 years while pursuing Post Graduate Studies, the period of two years shall be extended by one more year than the actual length/duration of the course.

Irrespective of any other conditions like change of class/course/faculty, joining lower class from higher, changing academic to professional courses or vice versa, provided that:-

students admitted, after passing 10+2 examination, to graduate courses of more than 3 years duration like Medical, Engineering, Agriculture, Pharmacy and Physical Education etc. shall be eligible to participate in the Inter-University Tournament (s) for one year more than the actual length of such graduate courses.

For the purpose of determining the number of years under the present rules:-

a) graduate courses shall be treated to be those where the admission is sought after passing 10+2 or equivalent examination, as the case may be.

b) all other courses where admission is obtained after passing graduate degree examination, e.g. LL.B., MBBS, B.Ed. & B.Lib. etc. will be clubbed with other postgraduate courses like M.A., M.Sc., M.Com., M.Lib., M.Ed. & B.P.Ed. Etc.

XXXX XXXX XXXX XXXX

7. In case of a student migrating from one University to another, his/her migration case will be considered eligible only after his/her admission in the new University is regularized and he/she is admitted as a bonafide and eligible student by the new University.

B. Explanation:-

i) In case of students changing from one course to

another the period spent in the previous course before joining the new course shall be counted towards total period of eligibility for participation in Inter University Tournaments.

ii) One year means the academic year in which the tournament is held irrespective of whether the student's result is declared or not, it will normally extend from June/July of one year to 12 calendar months to the next year.

Iii) A bonafide and eligible University/College student shall be allowed to participate in Inter University Tournaments not more than two years in a particular class, maintaining the same restriction of participation to a period of one year more than the actual length/duration of a degree/course both at Graduate and Post Graduate levels. For examples, not more than four years while students are pursuing Graduate Course/Degree and not more than three years while they are pursuing Post Graduate Course/Degree shall be allowed to participate, as the case may be.

iv) Interchange of faculty is allowed, provided the student passes his/her first year of the class/course. If the candidate participates for two years in one particular class and if he/she changes course for the identical year, he/she shall not be eligible to participate in Inter University Tournaments unless he/she clears/passes Ist year of new course.

v) Students joining lower class/course from higher professional courses/degree, merely for the sake of participation or winning Inter University Competition(s) at the cost of their studies, shall not be encouraged to ensure holistic development of personality of the University Youths – future leaders of India".

A perusal of the above rules shows the following:-

i) Student can not participate for more than seven years after passing qualifying examination for admission to degree/diploma course;

ii) Student cannot participate for more than four years while pursuing graduate course;

iii) Student taking admission after passing 10+2 examination to graduate courses of more than three years duration is eligible to participate in the Inter-University Tournament(s) for one year more than the actual length of such graduate courses.

Explanation provides for counting the period spent in the earlier course towards total period of eligibility.

Learned counsel for the petitioner submits that all parameters are fulfilled in the case of petitioner.

Learned counsel for the respondent-University, however, submitted that as per the Explanation (iii) reproduced above, student cannot participate for more than two years in a particular class and since the petitioner is joining the first year of the graduate course, therefore, he is not eligible to participate as he has already participated for four times. It is further submitted that as per Explanation (iv), in the case of inter change of faculty, a student can be allowed to participate in the Inter University Tournaments, only after passing a first year of new course, if he has already participated for two years in a particular class. The interpretation placed by learned counsel for the respondent-University cannot be accepted as the bar is applicable only if a student has participated for two years in a particular class and not in the course. The petitioner has not participated for two years in one class as he

has been passing all the classes. Particulars of participation of petitioner furnished during the hearing, are reproduced as under:-

Sr.No	Name of Sports	Name of the Institute	Name of the Tournament	Year	Position	Venu
1	Basketball	Thapar Institute of Engg. & Tech., Patiala	Inter Uni. N-Zone Competition	2004-05 27th Oct. to 2nd Nov. 04	Participation	Panjab Uni. Chandigarh
2	Basketball	Thapar Institute of Engg. & Tech., Patiala	Inter Uni. N-Zone Competition	2005-06 19th Oct. to 23rd Jan. 06.	Participation	Panjab Uni. Chandigarh
3	Basketball	Thapar Institute of Engg. & Tech., Patiala	Inter Engg. Deemed Uni. Championship	2005-06 10th to 11th March 06.	First	Thapar Institute of Engg. & Tech. Patiala
4	Basketball	Desh Bhagat College, Bardwal, Dhuri.	Punjabi Uni. Inter-College Tournament	2006-07 9th to 11th Nov. 06.	First	Govt. College Ropar.

In view of above, declaring the petitioner ineligible for sports quota is not as per prospectus conditions. The same is set aside. The respondent-University is directed to consider the eligibility of the petitioner again, in accordance with law.

The petition is disposed of acccordingly.

(Adarsh Kumar Goel)
Judge

July 11, 2007
"DK"

(Ajai Lamba)
Judge